



JAN
JAW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Nancy DESGARDIN et al.

Group Art Unit: 3643

Application No.: 10/659,306

Examiner: J. GELLNER

Filed: September 11, 2003

Docket No.: 117136

For: SOLID COMPOSITIONS WHICH GENERATE HYDROGEN BY COMBUSTION,
COMPRISING AN ALKALI METAL BOROHYDRIDE OR ALKALINE EARTH
METAL BOROHYDRIDE AND STRONTIUM NITRATE SR(NO₃)₂

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the December 19, 2005 Restriction and Election of Species Requirement,
Applicants provisionally elect Group I, claims 1-9, 11 and 12, with traverse. In addition,
Applicants provisionally elect, with traverse, sodium as the metal in the borohydride. With
regard to the elected species, claims 1-7, 9, 11 and 12 read on the elected species and
claims 1-6, 9, 11 and 12 are generic.

It is respectfully submitted that the subject matter of all the claims and species is
sufficiently related that a thorough search for the subject matter of any one Group of claims
and any one species would encompass a search for the subject matter of the remaining claims
and species. Thus, it is respectfully submitted that the search and examination of the entire
application could be made without serious burden. See MPEP §803 in which it is stated that
"if the search and examination of an entire application can be made without serious burden,
the examiner must examine it on the merits, even though it includes claims to independent or

distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

In addition, because non-elected claim 10 is a process claim that includes all of the limitations of product claim 1, once claim 1 is allowed, claim 10 should be rejoined. See MPEP §821.04. Furthermore, it is understood that upon allowance of a generic claim, the non-elected species will be examined.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,

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WPB:MLM/jam

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